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Messrs.
ARENT FOX
ATTORNEYS AT LAW
1050 Connecticut Avenue, N.W.
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U.S.A.

Attn. Mr. Richard J. Berman

Re: ADVISORY ACTION
U.S. Patent Appln. S.N. 10/814,253
By: ABUSLEME et al.
Your Ref: 108910-00129
Our Ref.: AF 2762/031/USA

Dear Sirs,

Further to your letter in Re dated August 1, 2005, please,
file a RCE, accompanied by the following comments.

With reference to the Ad. Ac., we note that:

- a) according to Note 3 the proposed amendment of your last letter to USPTO dated July 14, 2005 (i.e.: claim 9 included into claim 1) has not been entered because new claims require new and additional consideration.

Therefore, please, refile the same above amendments with the RCE, with the further additional amendment in the below point c).

- b) according to Note 11 Mehan would expressly teach foaming without additional foaming agents, with reference to col.4 lines 41-46 .

However, we read in the cited col.4 line 44 that the composition of D1 will actually result "in some degree of foaming" even without additional foaming agents. Preferably, positive steps are taken to foam the composition using a foaming agent which decomposes into gas.. etc ...

Therefore, it appears evident that Mehan teaches that in order to have a complete degree of foaming the additional foaming agent is necessary, since, when it is absent, only some degree of foaming can be reached.

This is the contrary with respect to what the Examiner reads and the present claim 1 recites.

- c) further, according to Note 11, the claimed copolymers do not exclude the presence of ethylene as a comonomer owing to the open language format.

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It appears that, according to the Examiner, the word "comprising" in line 1 of claim 1 would also include E-CTFE copolymer of Mehan.

In order to overcome this objection, please, at the end of claim 1, further add the limitation:

"wherein said foamable compositions do not contain copolymers of CTFE other than those above specified as polymer A)."

For commenting the obviousness rejection over D1 in combination with D2, D3 or D4, please, repeat the same comments already set forth in our previous letter dated July 6, 2005.

Very truly yours,

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Daniele Sama

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